

REMARKS/ARGUMENTS

In the January 24, 2005 Office Action, a restriction requirement was issued under 35 U.S.C. 121 between Species I, Figures 3A-3B, which depicts a portion of the receiver section of the wireless transceiver according to the present invention; Species II, Figures 5A-5B, which depicts a portion of the receiver section wherein a mixer is shown as being included after the filter; and Species III, Figure 12, which depicts the use of sigma-delta modulators to process the received RF signal instead of filters. Applicants provisionally elect Species I for prosecution in this case with traverse. Claims 1-5 and 8 which read on Species I, are therefore elected for further prosecution. Applicants respectfully traverse the decision of the Examiner that examination of Claim 6, which reads on Species II, should be restricted. Applicants withdraw Claim 7, which reads on Species II.

The key feature of the present invention is that it includes both an in-phase component polyphase filter and a quadrature component polyphase filter fed by an RF splitter. The RF splitter splits the RF signal into respective first and second RF signals for feeding to these two polyphase filters. Figures 2, 3A and 3B show the functionality of these novel features in an RF transceiver. This structure is claimed in Claims 1, dependent Claims 2-5, and independent Claim 8. Applicants submit that these correspond to Species I referenced by the Examiner in the pending Office Action.

Applicants respectfully traverse the Examiner's indication that Species II, depicted in Figures 5A-5B and claimed in Claim 6, is patentably distinct. As described in the specification beginning on line 8 of page 8, the functionality of the in-phase component polyphase filter and the quadrature component polyphase filter are provided by switched capacitor filters 220 and 230, respectively. This is claimed in Claim 2 which is dependent upon Claim 1. Figures 5A -5B illustrate an alternative approach to tuning wherein a separate mixing operation is inserted in the two signal paths generated by the RF splitter as shown at 480 and 490 in Figure 5B as a functionality separate from the in-phase and quadrature switched capacitor polyphase down converter filters 450 and 460. Applicants respectfully submit that Species II describes a species of the invention as claimed in Claim 1 with the addition of separate mixers as

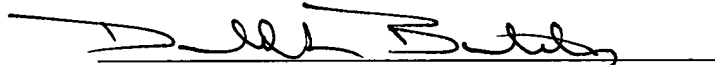
claimed in Claim 6. Applicants therefore respectfully submit that Claim 6 is a species claim where Claim 1 is the generic claim. Consequently, Applicants respectfully submit that, upon the allowance of Claim 1, Applicants' Claim 6 is entitled to allowance on the same basis.

Applicants respectfully request reconsideration of the Examiner's restriction requirement with regard to Species II and Claim 6 and that this requirement be withdrawn.

With regard to the Examiner's requirement that Species III, depicted in Figure 12, be restricted, Applicants respectfully request that Claim 7 be withdrawn.

Applicants therefore respectfully request that examination on the merits proceed with respect to Claims 1-6 and 8. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 267-6200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donald L. Bartels', is written over a horizontal line.

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